



Sen. Michael E. Hastings

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1 AMENDMENT TO SENATE BILL 401

2 AMENDMENT NO. _____. Amend Senate Bill 401 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Liquor Control Act of 1934 is amended by
5 changing Sections 1-3.38, 1-3.09, 3-12, 5-1, 6-2, 6-4, 6-5,
6 6-21, and 8-1, by changing and renumbering Section 1-3.40, as
7 added by Public Act 99-448, and by adding Section 1-3.43 as
8 follows:

9 (235 ILCS 5/1-3.09) (from Ch. 43, par. 95.09)

10 Sec. 1-3.09. "Brewer" means a person who is engaged in the
11 manufacture of beer or cider.

12 (Source: P.A. 82-783.)

13 (235 ILCS 5/1-3.38)

14 Sec. 1-3.38. Class 1 brewer. "Class 1 brewer" means a
15 person who is a holder of a brewer license or non-resident

1 dealer license who manufactures up to 930,000 gallons of beer,
2 cider, or any combination thereof per year and who may make
3 sales and deliveries to importing distributors and
4 distributors and to retail licensees in accordance with the
5 conditions set forth in paragraph (18) of subsection (a) of
6 Section 3-12 of this Act.

7 (Source: P.A. 98-401, eff. 8-16-13; 99-448, eff. 8-24-15.)

8 (235 ILCS 5/1-3.42)

9 Sec. 1-3.42 ~~1-3.40~~. Class 2 brewer. "Class 2 brewer" means
10 a person who is a holder of a brewer license or non-resident
11 dealer license who manufactures up to 3,720,000 gallons of
12 beer, cider, or any combination thereof per year for sale to a
13 licensed importing distributor or distributor.

14 (Source: P.A. 99-448, eff. 8-24-15; revised 10-28-15.)

15 (235 ILCS 5/1-3.43 new)

16 Sec. 1-3.43. Cider. "Cider" means any alcoholic beverage
17 obtained by the alcohol fermentation of the juice of apples or
18 pears, including, but not limited to, flavored, sparkling, or
19 carbonated cider.

20 (235 ILCS 5/3-12)

21 Sec. 3-12. Powers and duties of State Commission.

22 (a) The State commission shall have the following powers,
23 functions, and duties:

1 (1) To receive applications and to issue licenses to
2 manufacturers, foreign importers, importing distributors,
3 distributors, non-resident dealers, on premise consumption
4 retailers, off premise sale retailers, special event
5 retailer licensees, special use permit licenses, auction
6 liquor licenses, brew pubs, caterer retailers,
7 non-beverage users, railroads, including owners and
8 lessees of sleeping, dining and cafe cars, airplanes,
9 boats, brokers, and wine maker's premises licensees in
10 accordance with the provisions of this Act, and to suspend
11 or revoke such licenses upon the State commission's
12 determination, upon notice after hearing, that a licensee
13 has violated any provision of this Act or any rule or
14 regulation issued pursuant thereto and in effect for 30
15 days prior to such violation. Except in the case of an
16 action taken pursuant to a violation of Section 6-3, 6-5,
17 or 6-9, any action by the State Commission to suspend or
18 revoke a licensee's license may be limited to the license
19 for the specific premises where the violation occurred.

20 In lieu of suspending or revoking a license, the
21 commission may impose a fine, upon the State commission's
22 determination and notice after hearing, that a licensee has
23 violated any provision of this Act or any rule or
24 regulation issued pursuant thereto and in effect for 30
25 days prior to such violation.

26 For the purpose of this paragraph (1), when determining

1 multiple violations for the sale of alcohol to a person
2 under the age of 21, a second or subsequent violation for
3 the sale of alcohol to a person under the age of 21 shall
4 only be considered if it was committed within 5 years after
5 the date when a prior violation for the sale of alcohol to
6 a person under the age of 21 was committed.

7 The fine imposed under this paragraph may not exceed
8 \$500 for each violation. Each day that the activity, which
9 gave rise to the original fine, continues is a separate
10 violation. The maximum fine that may be levied against any
11 licensee, for the period of the license, shall not exceed
12 \$20,000. The maximum penalty that may be imposed on a
13 licensee for selling a bottle of alcoholic liquor with a
14 foreign object in it or serving from a bottle of alcoholic
15 liquor with a foreign object in it shall be the destruction
16 of that bottle of alcoholic liquor for the first 10 bottles
17 so sold or served from by the licensee. For the eleventh
18 bottle of alcoholic liquor and for each third bottle
19 thereafter sold or served from by the licensee with a
20 foreign object in it, the maximum penalty that may be
21 imposed on the licensee is the destruction of the bottle of
22 alcoholic liquor and a fine of up to \$50.

23 (2) To adopt such rules and regulations consistent with
24 the provisions of this Act which shall be necessary to
25 carry on its functions and duties to the end that the
26 health, safety and welfare of the People of the State of

1 Illinois shall be protected and temperance in the
2 consumption of alcoholic liquors shall be fostered and
3 promoted and to distribute copies of such rules and
4 regulations to all licensees affected thereby.

5 (3) To call upon other administrative departments of
6 the State, county and municipal governments, county and
7 city police departments and upon prosecuting officers for
8 such information and assistance as it deems necessary in
9 the performance of its duties.

10 (4) To recommend to local commissioners rules and
11 regulations, not inconsistent with the law, for the
12 distribution and sale of alcoholic liquors throughout the
13 State.

14 (5) To inspect, or cause to be inspected, any premises
15 in this State where alcoholic liquors are manufactured,
16 distributed, warehoused, or sold. Nothing in this Act
17 authorizes an agent of the Commission to inspect private
18 areas within the premises without reasonable suspicion or a
19 warrant during an inspection. "Private areas" include, but
20 are not limited to, safes, personal property, and closed
21 desks.

22 (5.1) Upon receipt of a complaint or upon having
23 knowledge that any person is engaged in business as a
24 manufacturer, importing distributor, distributor, or
25 retailer without a license or valid license, to notify the
26 local liquor authority, file a complaint with the State's

1 Attorney's Office of the county where the incident
2 occurred, or initiate an investigation with the
3 appropriate law enforcement officials.

4 (5.2) To issue a cease and desist notice to persons
5 shipping alcoholic liquor into this State from a point
6 outside of this State if the shipment is in violation of
7 this Act.

8 (5.3) To receive complaints from licensees, local
9 officials, law enforcement agencies, organizations, and
10 persons stating that any licensee has been or is violating
11 any provision of this Act or the rules and regulations
12 issued pursuant to this Act. Such complaints shall be in
13 writing, signed and sworn to by the person making the
14 complaint, and shall state with specificity the facts in
15 relation to the alleged violation. If the Commission has
16 reasonable grounds to believe that the complaint
17 substantially alleges a violation of this Act or rules and
18 regulations adopted pursuant to this Act, it shall conduct
19 an investigation. If, after conducting an investigation,
20 the Commission is satisfied that the alleged violation did
21 occur, it shall proceed with disciplinary action against
22 the licensee as provided in this Act.

23 (6) To hear and determine appeals from orders of a
24 local commission in accordance with the provisions of this
25 Act, as hereinafter set forth. Hearings under this
26 subsection shall be held in Springfield or Chicago, at

1 whichever location is the more convenient for the majority
2 of persons who are parties to the hearing.

3 (7) The commission shall establish uniform systems of
4 accounts to be kept by all retail licensees having more
5 than 4 employees, and for this purpose the commission may
6 classify all retail licensees having more than 4 employees
7 and establish a uniform system of accounts for each class
8 and prescribe the manner in which such accounts shall be
9 kept. The commission may also prescribe the forms of
10 accounts to be kept by all retail licensees having more
11 than 4 employees, including but not limited to accounts of
12 earnings and expenses and any distribution, payment, or
13 other distribution of earnings or assets, and any other
14 forms, records and memoranda which in the judgment of the
15 commission may be necessary or appropriate to carry out any
16 of the provisions of this Act, including but not limited to
17 such forms, records and memoranda as will readily and
18 accurately disclose at all times the beneficial ownership
19 of such retail licensed business. The accounts, forms,
20 records and memoranda shall be available at all reasonable
21 times for inspection by authorized representatives of the
22 State commission or by any local liquor control
23 commissioner or his or her authorized representative. The
24 commission, may, from time to time, alter, amend or repeal,
25 in whole or in part, any uniform system of accounts, or the
26 form and manner of keeping accounts.

1 (8) In the conduct of any hearing authorized to be held
2 by the commission, to appoint, at the commission's
3 discretion, hearing officers to conduct hearings involving
4 complex issues or issues that will require a protracted
5 period of time to resolve, to examine, or cause to be
6 examined, under oath, any licensee, and to examine or cause
7 to be examined the books and records of such licensee; to
8 hear testimony and take proof material for its information
9 in the discharge of its duties hereunder; to administer or
10 cause to be administered oaths; for any such purpose to
11 issue subpoena or subpoenas to require the attendance of
12 witnesses and the production of books, which shall be
13 effective in any part of this State, and to adopt rules to
14 implement its powers under this paragraph (8).

15 Any Circuit Court may by order duly entered, require
16 the attendance of witnesses and the production of relevant
17 books subpoenaed by the State commission and the court may
18 compel obedience to its order by proceedings for contempt.

19 (9) To investigate the administration of laws in
20 relation to alcoholic liquors in this and other states and
21 any foreign countries, and to recommend from time to time
22 to the Governor and through him or her to the legislature
23 of this State, such amendments to this Act, if any, as it
24 may think desirable and as will serve to further the
25 general broad purposes contained in Section 1-2 hereof.

26 (10) To adopt such rules and regulations consistent

1 with the provisions of this Act which shall be necessary
2 for the control, sale or disposition of alcoholic liquor
3 damaged as a result of an accident, wreck, flood, fire or
4 other similar occurrence.

5 (11) To develop industry educational programs related
6 to responsible serving and selling, particularly in the
7 areas of overserving consumers and illegal underage
8 purchasing and consumption of alcoholic beverages.

9 (11.1) To license persons providing education and
10 training to alcohol beverage sellers and servers for
11 mandatory and non-mandatory training under the Beverage
12 Alcohol Sellers and Servers Education and Training
13 (BASSET) programs and to develop and administer a public
14 awareness program in Illinois to reduce or eliminate the
15 illegal purchase and consumption of alcoholic beverage
16 products by persons under the age of 21. Application for a
17 license shall be made on forms provided by the State
18 Commission.

19 (12) To develop and maintain a repository of license
20 and regulatory information.

21 (13) On or before January 15, 1994, the Commission
22 shall issue a written report to the Governor and General
23 Assembly that is to be based on a comprehensive study of
24 the impact on and implications for the State of Illinois of
25 Section 1926 of the Federal ADAMHA Reorganization Act of
26 1992 (Public Law 102-321). This study shall address the

1 extent to which Illinois currently complies with the
2 provisions of P.L. 102-321 and the rules promulgated
3 pursuant thereto.

4 As part of its report, the Commission shall provide the
5 following essential information:

6 (i) the number of retail distributors of tobacco
7 products, by type and geographic area, in the State;

8 (ii) the number of reported citations and
9 successful convictions, categorized by type and
10 location of retail distributor, for violation of the
11 Prevention of Tobacco Use by Minors and Sale and
12 Distribution of Tobacco Products Act and the Smokeless
13 Tobacco Limitation Act;

14 (iii) the extent and nature of organized
15 educational and governmental activities that are
16 intended to promote, encourage or otherwise secure
17 compliance with any Illinois laws that prohibit the
18 sale or distribution of tobacco products to minors; and

19 (iv) the level of access and availability of
20 tobacco products to individuals under the age of 18.

21 To obtain the data necessary to comply with the
22 provisions of P.L. 102-321 and the requirements of this
23 report, the Commission shall conduct random, unannounced
24 inspections of a geographically and scientifically
25 representative sample of the State's retail tobacco
26 distributors.

1 The Commission shall consult with the Department of
2 Public Health, the Department of Human Services, the
3 Illinois State Police and any other executive branch
4 agency, and private organizations that may have
5 information relevant to this report.

6 The Commission may contract with the Food and Drug
7 Administration of the U.S. Department of Health and Human
8 Services to conduct unannounced investigations of Illinois
9 tobacco vendors to determine compliance with federal laws
10 relating to the illegal sale of cigarettes and smokeless
11 tobacco products to persons under the age of 18.

12 (14) On or before April 30, 2008 and every 2 years
13 thereafter, the Commission shall present a written report
14 to the Governor and the General Assembly that shall be
15 based on a study of the impact of this amendatory Act of
16 the 95th General Assembly on the business of soliciting,
17 selling, and shipping wine from inside and outside of this
18 State directly to residents of this State. As part of its
19 report, the Commission shall provide all of the following
20 information:

21 (A) The amount of State excise and sales tax
22 revenues generated.

23 (B) The amount of licensing fees received.

24 (C) The number of cases of wine shipped from inside
25 and outside of this State directly to residents of this
26 State.

1 (D) The number of alcohol compliance operations
2 conducted.

3 (E) The number of winery shipper's licenses
4 issued.

5 (F) The number of each of the following: reported
6 violations; cease and desist notices issued by the
7 Commission; notices of violations issued by the
8 Commission and to the Department of Revenue; and
9 notices and complaints of violations to law
10 enforcement officials, including, without limitation,
11 the Illinois Attorney General and the U.S. Department
12 of Treasury's Alcohol and Tobacco Tax and Trade Bureau.

13 (15) As a means to reduce the underage consumption of
14 alcoholic liquors, the Commission shall conduct alcohol
15 compliance operations to investigate whether businesses
16 that are soliciting, selling, and shipping wine from inside
17 or outside of this State directly to residents of this
18 State are licensed by this State or are selling or
19 attempting to sell wine to persons under 21 years of age in
20 violation of this Act.

21 (16) The Commission shall, in addition to notifying any
22 appropriate law enforcement agency, submit notices of
23 complaints or violations of Sections 6-29 and 6-29.1 by
24 persons who do not hold a winery shipper's license under
25 this amendatory Act to the Illinois Attorney General and to
26 the U.S. Department of Treasury's Alcohol and Tobacco Tax

1 and Trade Bureau.

2 (17) (A) A person licensed to make wine under the laws
3 of another state who has a winery shipper's license under
4 this amendatory Act and annually produces less than 25,000
5 gallons of wine or a person who has a first-class or
6 second-class wine manufacturer's license, a first-class or
7 second-class wine-maker's license, or a limited wine
8 manufacturer's license under this Act and annually
9 produces less than 25,000 gallons of wine may make
10 application to the Commission for a self-distribution
11 exemption to allow the sale of not more than 5,000 gallons
12 of the exemption holder's wine to retail licensees per
13 year.

14 (B) In the application, which shall be sworn under
15 penalty of perjury, such person shall state (1) the
16 date it was established; (2) its volume of production
17 and sales for each year since its establishment; (3)
18 its efforts to establish distributor relationships;
19 (4) that a self-distribution exemption is necessary to
20 facilitate the marketing of its wine; and (5) that it
21 will comply with the liquor and revenue laws of the
22 United States, this State, and any other state where it
23 is licensed.

24 (C) The Commission shall approve the application
25 for a self-distribution exemption if such person: (1)
26 is in compliance with State revenue and liquor laws;

1 (2) is not a member of any affiliated group that
2 produces more than 25,000 gallons of wine per annum or
3 produces any other alcoholic liquor; (3) will not
4 annually produce for sale more than 25,000 gallons of
5 wine; and (4) will not annually sell more than 5,000
6 gallons of its wine to retail licensees.

7 (D) A self-distribution exemption holder shall
8 annually certify to the Commission its production of
9 wine in the previous 12 months and its anticipated
10 production and sales for the next 12 months. The
11 Commission may fine, suspend, or revoke a
12 self-distribution exemption after a hearing if it
13 finds that the exemption holder has made a material
14 misrepresentation in its application, violated a
15 revenue or liquor law of Illinois, exceeded production
16 of 25,000 gallons of wine in any calendar year, or
17 become part of an affiliated group producing more than
18 25,000 gallons of wine or any other alcoholic liquor.

19 (E) Except in hearings for violations of this Act
20 or amendatory Act or a bona fide investigation by duly
21 sworn law enforcement officials, the Commission, or
22 its agents, the Commission shall maintain the
23 production and sales information of a
24 self-distribution exemption holder as confidential and
25 shall not release such information to any person.

26 (F) The Commission shall issue regulations

1 governing self-distribution exemptions consistent with
2 this Section and this Act.

3 (G) Nothing in this subsection (17) shall prohibit
4 a self-distribution exemption holder from entering
5 into or simultaneously having a distribution agreement
6 with a licensed Illinois distributor.

7 (H) It is the intent of this subsection (17) to
8 promote and continue orderly markets. The General
9 Assembly finds that in order to preserve Illinois'
10 regulatory distribution system it is necessary to
11 create an exception for smaller makers of wine as their
12 wines are frequently adjusted in varietals, mixes,
13 vintages, and taste to find and create market niches
14 sometimes too small for distributor or importing
15 distributor business strategies. Limited
16 self-distribution rights will afford and allow smaller
17 makers of wine access to the marketplace in order to
18 develop a customer base without impairing the
19 integrity of the 3-tier system.

20 (18) (A) A class 1 brewer licensee, who must also be
21 either a licensed brewer or licensed non-resident dealer
22 and annually manufacture less than 930,000 gallons of beer,
23 cider, or any combination thereof, may make application to
24 the State Commission for a self-distribution exemption to
25 allow the sale of not more than 232,500 gallons of the
26 exemption holder's beer, cider, or any combination thereof

1 to retail licensees per year.

2 (B) In the application, which shall be sworn under
3 penalty of perjury, the class 1 brewer licensee shall
4 state (1) the date it was established; (2) its volume
5 of beer and cider manufactured and sold for each year
6 since its establishment; (3) its efforts to establish
7 distributor relationships; (4) that a
8 self-distribution exemption is necessary to facilitate
9 the marketing of its beer or cider; and (5) that it
10 will comply with the alcoholic beverage and revenue
11 laws of the United States, this State, and any other
12 state where it is licensed.

13 (C) Any application submitted shall be posted on
14 the State Commission's website at least 45 days prior
15 to action by the State Commission. The State Commission
16 shall approve the application for a self-distribution
17 exemption if the class 1 brewer licensee: (1) is in
18 compliance with the State, revenue, and alcoholic
19 beverage laws; (2) is not a member of any affiliated
20 group that manufactures ~~manufacturers~~ more than
21 930,000 gallons of beer, cider, or any combination
22 thereof per annum or produces any other alcoholic
23 beverages; (3) shall not annually manufacture for sale
24 more than 930,000 gallons of beer, cider, or any
25 combination thereof; (4) shall not annually sell more
26 than 232,500 gallons of its beer, cider, or any

1 combination thereof to retail licensees; and (5) has
2 relinquished any brew pub license held by the licensee,
3 including any ownership interest it held in the
4 licensed brew pub.

5 (D) A self-distribution exemption holder shall
6 annually certify to the State Commission its
7 manufacture of beer and cider during the previous 12
8 months and its anticipated manufacture and sales of
9 beer and cider for the next 12 months. The State
10 Commission may fine, suspend, or revoke a
11 self-distribution exemption after a hearing if it
12 finds that the exemption holder has made a material
13 misrepresentation in its application, violated a
14 revenue or alcoholic beverage law of Illinois,
15 exceeded the manufacture of 930,000 gallons of beer,
16 cider, or any combination thereof in any calendar year
17 or became part of an affiliated group manufacturing
18 more than 930,000 gallons of beer, cider, or any
19 combination thereof or any other alcoholic beverage.

20 (E) The State Commission shall issue rules and
21 regulations governing self-distribution exemptions
22 consistent with this Act.

23 (F) Nothing in this paragraph (18) shall prohibit a
24 self-distribution exemption holder from entering into
25 or simultaneously having a distribution agreement with
26 a licensed Illinois importing distributor or a

1 distributor. If a self-distribution exemption holder
2 enters into a distribution agreement and has assigned
3 distribution rights to an importing distributor or
4 distributor, then the self-distribution exemption
5 holder's distribution rights in the assigned
6 territories shall cease in a reasonable time not to
7 exceed 60 days.

8 (G) It is the intent of this paragraph (18) to
9 promote and continue orderly markets. The General
10 Assembly finds that in order to preserve Illinois'
11 regulatory distribution system, it is necessary to
12 create an exception for smaller manufacturers in order
13 to afford and allow such smaller manufacturers of beer
14 and cider access to the marketplace in order to develop
15 a customer base without impairing the integrity of the
16 3-tier system.

17 (b) On or before April 30, 1999, the Commission shall
18 present a written report to the Governor and the General
19 Assembly that shall be based on a study of the impact of this
20 amendatory Act of 1998 on the business of soliciting, selling,
21 and shipping alcoholic liquor from outside of this State
22 directly to residents of this State.

23 As part of its report, the Commission shall provide the
24 following information:

25 (i) the amount of State excise and sales tax revenues
26 generated as a result of this amendatory Act of 1998;

1 (ii) the amount of licensing fees received as a result
2 of this amendatory Act of 1998;

3 (iii) the number of reported violations, the number of
4 cease and desist notices issued by the Commission, the
5 number of notices of violations issued to the Department of
6 Revenue, and the number of notices and complaints of
7 violations to law enforcement officials.

8 (Source: P.A. 98-401, eff. 8-16-13; 98-939, eff. 7-1-15;
9 98-941, eff. 1-1-15; 99-78, eff. 7-20-15; 99-448, eff.
10 8-24-15.)

11 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

12 Sec. 5-1. Licenses issued by the Illinois Liquor Control
13 Commission shall be of the following classes:

14 (a) Manufacturer's license - Class 1. Distiller, Class 2.
15 Rectifier, Class 3. Brewer, Class 4. First Class Wine
16 Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6.
17 First Class Winemaker, Class 7. Second Class Winemaker, Class
18 8. Limited Wine Manufacturer, Class 9. Craft Distiller, Class
19 10. Class 1 Brewer, Class 11. Class 2 Brewer,

20 (b) Distributor's license,

21 (c) Importing Distributor's license,

22 (d) Retailer's license,

23 (e) Special Event Retailer's license (not-for-profit),

24 (f) Railroad license,

25 (g) Boat license,

- 1 (h) Non-Beverage User's license,
- 2 (i) Wine-maker's premises license,
- 3 (j) Airplane license,
- 4 (k) Foreign importer's license,
- 5 (l) Broker's license,
- 6 (m) Non-resident dealer's license,
- 7 (n) Brew Pub license,
- 8 (o) Auction liquor license,
- 9 (p) Caterer retailer license,
- 10 (q) Special use permit license,
- 11 (r) Winery shipper's license.

12 No person, firm, partnership, corporation, or other legal
13 business entity that is engaged in the manufacturing of wine
14 may concurrently obtain and hold a wine-maker's license and a
15 wine manufacturer's license.

16 (a) A manufacturer's license shall allow the manufacture,
17 importation in bulk, storage, distribution and sale of
18 alcoholic liquor to persons without the State, as may be
19 permitted by law and to licensees in this State as follows:

20 Class 1. A Distiller may make sales and deliveries of
21 alcoholic liquor to distillers, rectifiers, importing
22 distributors, distributors and non-beverage users and to no
23 other licensees.

24 Class 2. A Rectifier, who is not a distiller, as defined
25 herein, may make sales and deliveries of alcoholic liquor to
26 rectifiers, importing distributors, distributors, retailers

1 and non-beverage users and to no other licensees.

2 Class 3. A Brewer may make sales and deliveries of beer or
3 cider to importing distributors and distributors and may make
4 sales as authorized under subsection (e) of Section 6-4 of this
5 Act.

6 Class 4. A first class wine-manufacturer may make sales and
7 deliveries of up to 50,000 gallons of wine to manufacturers,
8 importing distributors and distributors, and to no other
9 licensees.

10 Class 5. A second class Wine manufacturer may make sales
11 and deliveries of more than 50,000 gallons of wine to
12 manufacturers, importing distributors and distributors and to
13 no other licensees.

14 Class 6. A first-class wine-maker's license shall allow the
15 manufacture of up to 50,000 gallons of wine per year, and the
16 storage and sale of such wine to distributors in the State and
17 to persons without the State, as may be permitted by law. A
18 person who, prior to June 1, 2008 (the effective date of Public
19 Act 95-634) ~~this amendatory Act of the 95th General Assembly,~~
20 is a holder of a first-class wine-maker's license and annually
21 produces more than 25,000 gallons of its own wine and who
22 distributes its wine to licensed retailers shall cease this
23 practice on or before July 1, 2008 in compliance with Public
24 Act 95-634 ~~this amendatory Act of the 95th General Assembly.~~

25 Class 7. A second-class wine-maker's license shall allow
26 the manufacture of between 50,000 and 150,000 gallons of wine

1 per year, and the storage and sale of such wine to distributors
2 in this State and to persons without the State, as may be
3 permitted by law. A person who, prior to June 1, 2008 (the
4 effective date of Public Act 95-634) ~~this amendatory Act of the~~
5 ~~95th General Assembly~~, is a holder of a second-class
6 wine-maker's license and annually produces more than 25,000
7 gallons of its own wine and who distributes its wine to
8 licensed retailers shall cease this practice on or before July
9 1, 2008 in compliance with Public Act 95-634 ~~this amendatory~~
10 ~~Act of the 95th General Assembly~~.

11 Class 8. A limited wine-manufacturer may make sales and
12 deliveries not to exceed 40,000 gallons of wine per year to
13 distributors, and to non-licensees in accordance with the
14 provisions of this Act.

15 Class 9. A craft distiller license shall allow the
16 manufacture of up to 30,000 gallons of spirits by distillation
17 for one year after March 1, 2013 (the effective date of Public
18 Act 97-1166) ~~this amendatory Act of the 97th General Assembly~~
19 and up to 35,000 gallons of spirits by distillation per year
20 thereafter and the storage of such spirits. If a craft
21 distiller licensee is not affiliated with any other
22 manufacturer, then the craft distiller licensee may sell such
23 spirits to distributors in this State and up to 2,500 gallons
24 of such spirits to non-licensees to the extent permitted by any
25 exemption approved by the Commission pursuant to Section 6-4 of
26 this Act.

1 Any craft distiller licensed under this Act who on July 28,
2 2010 (the effective date of Public Act 96-1367) ~~this amendatory~~
3 ~~Act of the 96th General Assembly~~ was licensed as a distiller
4 and manufactured no more spirits than permitted by this Section
5 shall not be required to pay the initial licensing fee.

6 Class 10. A class 1 brewer license, which may only be
7 issued to a licensed brewer or licensed non-resident dealer,
8 shall allow the manufacture of up to 930,000 gallons of beer,
9 cider, or any combination thereof per year provided that the
10 class 1 brewer licensee does not manufacture more than a
11 combined 930,000 gallons of beer or cider per year and is not a
12 member of or affiliated with, directly or indirectly, a
13 manufacturer that produces more than 930,000 gallons of beer,
14 cider, or any combination thereof per year or any other
15 alcoholic liquor. A class 1 brewer licensee may make sales and
16 deliveries to importing distributors and distributors and to
17 retail licensees in accordance with the conditions set forth in
18 paragraph (18) of subsection (a) of Section 3-12 of this Act.

19 Class 11. A class 2 brewer license, which may only be
20 issued to a licensed brewer or licensed non-resident dealer,
21 shall allow the manufacture of up to 3,720,000 gallons of beer,
22 cider, or any combination thereof per year provided that the
23 class 2 brewer licensee does not manufacture more than a
24 combined 3,720,000 gallons of beer or cider per year and is not
25 a member of or affiliated with, directly or indirectly, a
26 manufacturer that produces more than 3,720,000 gallons of beer,

1 cider, or any combination thereof per year or any other
2 alcoholic liquor. A class 2 brewer licensee may make sales and
3 deliveries to importing distributors and distributors, but
4 shall not make sales or deliveries to any other licensee. If
5 the State Commission provides prior approval, a class 2 brewer
6 licensee may annually transfer up to 3,720,000 gallons of beer,
7 cider, or any combination thereof manufactured by that class 2
8 brewer licensee to the premises of a licensed class 2 brewer
9 wholly owned and operated by the same licensee.

10 (a-1) A manufacturer which is licensed in this State to
11 make sales or deliveries of alcoholic liquor to licensed
12 distributors or importing distributors and which enlists
13 agents, representatives, or individuals acting on its behalf
14 who contact licensed retailers on a regular and continual basis
15 in this State must register those agents, representatives, or
16 persons acting on its behalf with the State Commission.

17 Registration of agents, representatives, or persons acting
18 on behalf of a manufacturer is fulfilled by submitting a form
19 to the Commission. The form shall be developed by the
20 Commission and shall include the name and address of the
21 applicant, the name and address of the manufacturer he or she
22 represents, the territory or areas assigned to sell to or
23 discuss pricing terms of alcoholic liquor, and any other
24 questions deemed appropriate and necessary. All statements in
25 the forms required to be made by law or by rule shall be deemed
26 material, and any person who knowingly misstates any material

1 fact under oath in an application is guilty of a Class B
2 misdemeanor. Fraud, misrepresentation, false statements,
3 misleading statements, evasions, or suppression of material
4 facts in the securing of a registration are grounds for
5 suspension or revocation of the registration. The State
6 Commission shall post a list of registered agents on the
7 Commission's website.

8 (b) A distributor's license shall allow the wholesale
9 purchase and storage of alcoholic liquors and sale of alcoholic
10 liquors to licensees in this State and to persons without the
11 State, as may be permitted by law.

12 (c) An importing distributor's license may be issued to and
13 held by those only who are duly licensed distributors, upon the
14 filing of an application by a duly licensed distributor, with
15 the Commission and the Commission shall, without the payment of
16 any fee, immediately issue such importing distributor's
17 license to the applicant, which shall allow the importation of
18 alcoholic liquor by the licensee into this State from any point
19 in the United States outside this State, and the purchase of
20 alcoholic liquor in barrels, casks or other bulk containers and
21 the bottling of such alcoholic liquors before resale thereof,
22 but all bottles or containers so filled shall be sealed,
23 labeled, stamped and otherwise made to comply with all
24 provisions, rules and regulations governing manufacturers in
25 the preparation and bottling of alcoholic liquors. The
26 importing distributor's license shall permit such licensee to

1 purchase alcoholic liquor from Illinois licensed non-resident
2 dealers and foreign importers only.

3 (d) A retailer's license shall allow the licensee to sell
4 and offer for sale at retail, only in the premises specified in
5 the license, alcoholic liquor for use or consumption, but not
6 for resale in any form. Nothing in Public Act 95-634 ~~this~~
7 ~~amendatory Act of the 95th General Assembly~~ shall deny, limit,
8 remove, or restrict the ability of a holder of a retailer's
9 license to transfer, deliver, or ship alcoholic liquor to the
10 purchaser for use or consumption subject to any applicable
11 local law or ordinance. Any retail license issued to a
12 manufacturer shall only permit the manufacturer to sell beer at
13 retail on the premises actually occupied by the manufacturer.
14 For the purpose of further describing the type of business
15 conducted at a retail licensed premises, a retailer's licensee
16 may be designated by the State Commission as (i) an on premise
17 consumption retailer, (ii) an off premise sale retailer, or
18 (iii) a combined on premise consumption and off premise sale
19 retailer.

20 Notwithstanding any other provision of this subsection
21 (d), a retail licensee may sell alcoholic liquors to a special
22 event retailer licensee for resale to the extent permitted
23 under subsection (e).

24 (e) A special event retailer's license (not-for-profit)
25 shall permit the licensee to purchase alcoholic liquors from an
26 Illinois licensed distributor (unless the licensee purchases

1 less than \$500 of alcoholic liquors for the special event, in
2 which case the licensee may purchase the alcoholic liquors from
3 a licensed retailer) and shall allow the licensee to sell and
4 offer for sale, at retail, alcoholic liquors for use or
5 consumption, but not for resale in any form and only at the
6 location and on the specific dates designated for the special
7 event in the license. An applicant for a special event retailer
8 license must (i) furnish with the application: (A) a resale
9 number issued under Section 2c of the Retailers' Occupation Tax
10 Act or evidence that the applicant is registered under Section
11 2a of the Retailers' Occupation Tax Act, (B) a current, valid
12 exemption identification number issued under Section 1g of the
13 Retailers' Occupation Tax Act, and a certification to the
14 Commission that the purchase of alcoholic liquors will be a
15 tax-exempt purchase, or (C) a statement that the applicant is
16 not registered under Section 2a of the Retailers' Occupation
17 Tax Act, does not hold a resale number under Section 2c of the
18 Retailers' Occupation Tax Act, and does not hold an exemption
19 number under Section 1g of the Retailers' Occupation Tax Act,
20 in which event the Commission shall set forth on the special
21 event retailer's license a statement to that effect; (ii)
22 submit with the application proof satisfactory to the State
23 Commission that the applicant will provide dram shop liability
24 insurance in the maximum limits; and (iii) show proof
25 satisfactory to the State Commission that the applicant has
26 obtained local authority approval.

1 (f) A railroad license shall permit the licensee to import
2 alcoholic liquors into this State from any point in the United
3 States outside this State and to store such alcoholic liquors
4 in this State; to make wholesale purchases of alcoholic liquors
5 directly from manufacturers, foreign importers, distributors
6 and importing distributors from within or outside this State;
7 and to store such alcoholic liquors in this State; provided
8 that the above powers may be exercised only in connection with
9 the importation, purchase or storage of alcoholic liquors to be
10 sold or dispensed on a club, buffet, lounge or dining car
11 operated on an electric, gas or steam railway in this State;
12 and provided further, that railroad licensees exercising the
13 above powers shall be subject to all provisions of Article VIII
14 of this Act as applied to importing distributors. A railroad
15 license shall also permit the licensee to sell or dispense
16 alcoholic liquors on any club, buffet, lounge or dining car
17 operated on an electric, gas or steam railway regularly
18 operated by a common carrier in this State, but shall not
19 permit the sale for resale of any alcoholic liquors to any
20 licensee within this State. A license shall be obtained for
21 each car in which such sales are made.

22 (g) A boat license shall allow the sale of alcoholic liquor
23 in individual drinks, on any passenger boat regularly operated
24 as a common carrier on navigable waters in this State or on any
25 riverboat operated under the Riverboat Gambling Act, which boat
26 or riverboat maintains a public dining room or restaurant

1 thereon.

2 (h) A non-beverage user's license shall allow the licensee
 3 to purchase alcoholic liquor from a licensed manufacturer or
 4 importing distributor, without the imposition of any tax upon
 5 the business of such licensed manufacturer or importing
 6 distributor as to such alcoholic liquor to be used by such
 7 licensee solely for the non-beverage purposes set forth in
 8 subsection (a) of Section 8-1 of this Act, and such licenses
 9 shall be divided and classified and shall permit the purchase,
 10 possession and use of limited and stated quantities of
 11 alcoholic liquor as follows:

- 12 Class 1, not to exceed 500 gallons
- 13 Class 2, not to exceed 1,000 gallons
- 14 Class 3, not to exceed 5,000 gallons
- 15 Class 4, not to exceed 10,000 gallons
- 16 Class 5, not to exceed 50,000 gallons

17 (i) A wine-maker's premises license shall allow a licensee
 18 that concurrently holds a first-class wine-maker's license to
 19 sell and offer for sale at retail in the premises specified in
 20 such license not more than 50,000 gallons of the first-class
 21 wine-maker's wine that is made at the first-class wine-maker's
 22 licensed premises per year for use or consumption, but not for
 23 resale in any form. A wine-maker's premises license shall allow
 24 a licensee who concurrently holds a second-class wine-maker's
 25 license to sell and offer for sale at retail in the premises
 26 specified in such license up to 100,000 gallons of the

1 second-class wine-maker's wine that is made at the second-class
2 wine-maker's licensed premises per year for use or consumption
3 but not for resale in any form. A wine-maker's premises license
4 shall allow a licensee that concurrently holds a first-class
5 wine-maker's license or a second-class wine-maker's license to
6 sell and offer for sale at retail at the premises specified in
7 the wine-maker's premises license, for use or consumption but
8 not for resale in any form, any beer, wine, and spirits
9 purchased from a licensed distributor. Upon approval from the
10 State Commission, a wine-maker's premises license shall allow
11 the licensee to sell and offer for sale at (i) the wine-maker's
12 licensed premises and (ii) at up to 2 additional locations for
13 use and consumption and not for resale. Each location shall
14 require additional licensing per location as specified in
15 Section 5-3 of this Act. A wine-maker's premises licensee shall
16 secure liquor liability insurance coverage in an amount at
17 least equal to the maximum liability amounts set forth in
18 subsection (a) of Section 6-21 of this Act.

19 (j) An airplane license shall permit the licensee to import
20 alcoholic liquors into this State from any point in the United
21 States outside this State and to store such alcoholic liquors
22 in this State; to make wholesale purchases of alcoholic liquors
23 directly from manufacturers, foreign importers, distributors
24 and importing distributors from within or outside this State;
25 and to store such alcoholic liquors in this State; provided
26 that the above powers may be exercised only in connection with

1 the importation, purchase or storage of alcoholic liquors to be
2 sold or dispensed on an airplane; and provided further, that
3 airplane licensees exercising the above powers shall be subject
4 to all provisions of Article VIII of this Act as applied to
5 importing distributors. An airplane licensee shall also permit
6 the sale or dispensing of alcoholic liquors on any passenger
7 airplane regularly operated by a common carrier in this State,
8 but shall not permit the sale for resale of any alcoholic
9 liquors to any licensee within this State. A single airplane
10 license shall be required of an airline company if liquor
11 service is provided on board aircraft in this State. The annual
12 fee for such license shall be as determined in Section 5-3.

13 (k) A foreign importer's license shall permit such licensee
14 to purchase alcoholic liquor from Illinois licensed
15 non-resident dealers only, and to import alcoholic liquor other
16 than in bulk from any point outside the United States and to
17 sell such alcoholic liquor to Illinois licensed importing
18 distributors and to no one else in Illinois; provided that (i)
19 the foreign importer registers with the State Commission every
20 brand of alcoholic liquor that it proposes to sell to Illinois
21 licensees during the license period, (ii) the foreign importer
22 complies with all of the provisions of Section 6-9 of this Act
23 with respect to registration of such Illinois licensees as may
24 be granted the right to sell such brands at wholesale, and
25 (iii) the foreign importer complies with the provisions of
26 Sections 6-5 and 6-6 of this Act to the same extent that these

1 provisions apply to manufacturers.

2 (1) (i) A broker's license shall be required of all persons
3 who solicit orders for, offer to sell or offer to supply
4 alcoholic liquor to retailers in the State of Illinois, or who
5 offer to retailers to ship or cause to be shipped or to make
6 contact with distillers, rectifiers, brewers or manufacturers
7 or any other party within or without the State of Illinois in
8 order that alcoholic liquors be shipped to a distributor,
9 importing distributor or foreign importer, whether such
10 solicitation or offer is consummated within or without the
11 State of Illinois.

12 No holder of a retailer's license issued by the Illinois
13 Liquor Control Commission shall purchase or receive any
14 alcoholic liquor, the order for which was solicited or offered
15 for sale to such retailer by a broker unless the broker is the
16 holder of a valid broker's license.

17 The broker shall, upon the acceptance by a retailer of the
18 broker's solicitation of an order or offer to sell or supply or
19 deliver or have delivered alcoholic liquors, promptly forward
20 to the Illinois Liquor Control Commission a notification of
21 said transaction in such form as the Commission may by
22 regulations prescribe.

23 (ii) A broker's license shall be required of a person
24 within this State, other than a retail licensee, who, for a fee
25 or commission, promotes, solicits, or accepts orders for
26 alcoholic liquor, for use or consumption and not for resale, to

1 be shipped from this State and delivered to residents outside
2 of this State by an express company, common carrier, or
3 contract carrier. This Section does not apply to any person who
4 promotes, solicits, or accepts orders for wine as specifically
5 authorized in Section 6-29 of this Act.

6 A broker's license under this subsection (1) shall not
7 entitle the holder to buy or sell any alcoholic liquors for his
8 own account or to take or deliver title to such alcoholic
9 liquors.

10 This subsection (1) shall not apply to distributors,
11 employees of distributors, or employees of a manufacturer who
12 has registered the trademark, brand or name of the alcoholic
13 liquor pursuant to Section 6-9 of this Act, and who regularly
14 sells such alcoholic liquor in the State of Illinois only to
15 its registrants thereunder.

16 Any agent, representative, or person subject to
17 registration pursuant to subsection (a-1) of this Section shall
18 not be eligible to receive a broker's license.

19 (m) A non-resident dealer's license shall permit such
20 licensee to ship into and warehouse alcoholic liquor into this
21 State from any point outside of this State, and to sell such
22 alcoholic liquor to Illinois licensed foreign importers and
23 importing distributors and to no one else in this State;
24 provided that (i) said non-resident dealer shall register with
25 the Illinois Liquor Control Commission each and every brand of
26 alcoholic liquor which it proposes to sell to Illinois

1 licensees during the license period, (ii) it shall comply with
2 all of the provisions of Section 6-9 hereof with respect to
3 registration of such Illinois licensees as may be granted the
4 right to sell such brands at wholesale, and (iii) the
5 non-resident dealer shall comply with the provisions of
6 Sections 6-5 and 6-6 of this Act to the same extent that these
7 provisions apply to manufacturers.

8 (n) A brew pub license shall allow the licensee to only (i)
9 manufacture up to 155,000 gallons of beer, cider, or any
10 combination thereof per year only on the premises specified in
11 the license, (ii) make sales of the beer or cider manufactured
12 on the premises or, with the approval of the Commission, beer
13 or cider manufactured on another brew pub licensed premises
14 that is wholly owned and operated by the same licensee to
15 importing distributors, distributors, and to non-licensees for
16 use and consumption, (iii) store the beer or cider upon the
17 premises, (iv) sell and offer for sale at retail from the
18 licensed premises for off-premises consumption no more than
19 155,000 gallons of beer, cider, or any combination thereof per
20 year so long as such sales are only made in-person, (v) sell
21 and offer for sale at retail for use and consumption on the
22 premises specified in the license any form of alcoholic liquor
23 purchased from a licensed distributor or importing
24 distributor, and (vi) with the prior approval of the
25 Commission, annually transfer no more than 155,000 gallons of
26 beer, cider, or any combination thereof manufactured on the

1 premises to a licensed brew pub wholly owned and operated by
2 the same licensee.

3 A brew pub licensee shall not under any circumstance sell
4 or offer for sale beer or cider manufactured by the brew pub
5 licensee to retail licensees.

6 A person who holds a class 2 brewer license may
7 simultaneously hold a brew pub license if the class 2 brewer
8 (i) does not, under any circumstance, sell or offer for sale
9 beer or cider manufactured by the class 2 brewer to retail
10 licensees; (ii) does not hold more than 3 brew pub licenses in
11 this State; (iii) does not manufacture more than a combined
12 3,720,000 gallons of beer or cider per year, including the beer
13 and cider manufactured at the brew pub; and (iv) is not a
14 member of or affiliated with, directly or indirectly, a
15 manufacturer that produces more than 3,720,000 gallons of beer
16 or cider per year or any other alcoholic liquor.

17 Notwithstanding any other provision of this Act, a licensed
18 brewer or class 2 brewer, ~~or non resident dealer~~ who before
19 July 1, 2015 manufactured less than ~~than~~ 3,720,000 gallons of
20 beer per year and held a brew pub license on or before July 1,
21 2015 may (i) continue to qualify for and hold that brew pub
22 license for the licensed premises and (ii) manufacture more
23 than 3,720,000 gallons of beer or cider per year and continue
24 to qualify for and hold that brew pub license if that brewer
25 or class 2 brewer, ~~or non resident dealer~~ does not
26 simultaneously hold a class 1 brewer license and is not a

1 member of or affiliated with, directly or indirectly, a
2 manufacturer that produces more than 3,720,000 gallons of beer,
3 cider, or any combination thereof per year or that produces any
4 other alcoholic liquor.

5 Notwithstanding any other provision of this Act, a licensed
6 non-resident dealer who before July 1, 2015 manufactured less
7 than 3,720,000 gallons of beer per year and held a brew pub
8 license on or before July 1, 2015 may (i) continue to qualify
9 for and hold that brew pub license for the licensed premises
10 and (ii) manufacture more than 3,720,000 gallons of beer per
11 year and continue to qualify for and hold that brew pub license
12 if that non-resident dealer does not simultaneously hold a
13 class 1 brewer license and is not a member of or affiliated
14 with, directly or indirectly, a manufacturer that produces more
15 than 3,720,000 gallons of beer, cider, or any combination
16 thereof per year or that produces any other alcoholic liquor.

17 (o) A caterer retailer license shall allow the holder to
18 serve alcoholic liquors as an incidental part of a food service
19 that serves prepared meals which excludes the serving of snacks
20 as the primary meal, either on or off-site whether licensed or
21 unlicensed.

22 (p) An auction liquor license shall allow the licensee to
23 sell and offer for sale at auction wine and spirits for use or
24 consumption, or for resale by an Illinois liquor licensee in
25 accordance with provisions of this Act. An auction liquor
26 license will be issued to a person and it will permit the

1 auction liquor licensee to hold the auction anywhere in the
2 State. An auction liquor license must be obtained for each
3 auction at least 14 days in advance of the auction date.

4 (q) A special use permit license shall allow an Illinois
5 licensed retailer to transfer a portion of its alcoholic liquor
6 inventory from its retail licensed premises to the premises
7 specified in the license hereby created, and to sell or offer
8 for sale at retail, only in the premises specified in the
9 license hereby created, the transferred alcoholic liquor for
10 use or consumption, but not for resale in any form. A special
11 use permit license may be granted for the following time
12 periods: one day or less; 2 or more days to a maximum of 15 days
13 per location in any 12 month period. An applicant for the
14 special use permit license must also submit with the
15 application proof satisfactory to the State Commission that the
16 applicant will provide dram shop liability insurance to the
17 maximum limits and have local authority approval.

18 (r) A winery shipper's license shall allow a person with a
19 first-class or second-class wine manufacturer's license, a
20 first-class or second-class wine-maker's license, or a limited
21 wine manufacturer's license or who is licensed to make wine
22 under the laws of another state to ship wine made by that
23 licensee directly to a resident of this State who is 21 years
24 of age or older for that resident's personal use and not for
25 resale. Prior to receiving a winery shipper's license, an
26 applicant for the license must provide the Commission with a

1 true copy of its current license in any state in which it is
2 licensed as a manufacturer of wine. An applicant for a winery
3 shipper's license must also complete an application form that
4 provides any other information the Commission deems necessary.
5 The application form shall include an acknowledgement
6 consenting to the jurisdiction of the Commission, the Illinois
7 Department of Revenue, and the courts of this State concerning
8 the enforcement of this Act and any related laws, rules, and
9 regulations, including authorizing the Department of Revenue
10 and the Commission to conduct audits for the purpose of
11 ensuring compliance with Public Act 95-634 ~~this amendatory Act~~.

12 A winery shipper licensee must pay to the Department of
13 Revenue the State liquor gallonage tax under Section 8-1 for
14 all wine that is sold by the licensee and shipped to a person
15 in this State. For the purposes of Section 8-1, a winery
16 shipper licensee shall be taxed in the same manner as a
17 manufacturer of wine. A licensee who is not otherwise required
18 to register under the Retailers' Occupation Tax Act must
19 register under the Use Tax Act to collect and remit use tax to
20 the Department of Revenue for all gallons of wine that are sold
21 by the licensee and shipped to persons in this State. If a
22 licensee fails to remit the tax imposed under this Act in
23 accordance with the provisions of Article VIII of this Act, the
24 winery shipper's license shall be revoked in accordance with
25 the provisions of Article VII of this Act. If a licensee fails
26 to properly register and remit tax under the Use Tax Act or the

1 Retailers' Occupation Tax Act for all wine that is sold by the
2 winery shipper and shipped to persons in this State, the winery
3 shipper's license shall be revoked in accordance with the
4 provisions of Article VII of this Act.

5 A winery shipper licensee must collect, maintain, and
6 submit to the Commission on a semi-annual basis the total
7 number of cases per resident of wine shipped to residents of
8 this State. A winery shipper licensed under this subsection (r)
9 must comply with the requirements of Section 6-29 of this
10 ~~amendatory~~ Act.

11 Pursuant to paragraph (5.1) or (5.3) of subsection (a) of
12 Section 3-12, the State Commission may receive, respond to, and
13 investigate any complaint and impose any of the remedies
14 specified in paragraph (1) of subsection (a) of Section 3-12.

15 (Source: P.A. 98-394, eff. 8-16-13; 98-401, eff. 8-16-13;
16 98-756, eff. 7-16-14; 99-448, eff. 8-24-15; revised 10-27-15.)

17 (235 ILCS 5/6-2) (from Ch. 43, par. 120)

18 Sec. 6-2. Issuance of licenses to certain persons
19 prohibited.

20 (a) Except as otherwise provided in subsection (b) of this
21 Section and in paragraph (1) of subsection (a) of Section 3-12,
22 no license of any kind issued by the State Commission or any
23 local commission shall be issued to:

24 (1) A person who is not a resident of any city, village
25 or county in which the premises covered by the license are

1 located; except in case of railroad or boat licenses.

2 (2) A person who is not of good character and
3 reputation in the community in which he resides.

4 (3) A person who is not a citizen of the United States.

5 (4) A person who has been convicted of a felony under
6 any Federal or State law, unless the Commission determines
7 that such person has been sufficiently rehabilitated to
8 warrant the public trust after considering matters set
9 forth in such person's application and the Commission's
10 investigation. The burden of proof of sufficient
11 rehabilitation shall be on the applicant.

12 (5) A person who has been convicted of keeping a place
13 of prostitution or keeping a place of juvenile
14 prostitution, promoting prostitution that involves keeping
15 a place of prostitution, or promoting juvenile
16 prostitution that involves keeping a place of juvenile
17 prostitution.

18 (6) A person who has been convicted of pandering or
19 other crime or misdemeanor opposed to decency and morality.

20 (7) A person whose license issued under this Act has
21 been revoked for cause.

22 (8) A person who at the time of application for renewal
23 of any license issued hereunder would not be eligible for
24 such license upon a first application.

25 (9) A copartnership, if any general partnership
26 thereof, or any limited partnership thereof, owning more

1 than 5% of the aggregate limited partner interest in such
2 copartnership would not be eligible to receive a license
3 hereunder for any reason other than residence within the
4 political subdivision, unless residency is required by
5 local ordinance.

6 (10) A corporation or limited liability company, if any
7 member, officer, manager or director thereof, or any
8 stockholder or stockholders owning in the aggregate more
9 than 5% of the stock of such corporation, would not be
10 eligible to receive a license hereunder for any reason
11 other than citizenship and residence within the political
12 subdivision.

13 (10a) A corporation or limited liability company
14 unless it is incorporated or organized in Illinois, or
15 unless it is a foreign corporation or foreign limited
16 liability company which is qualified under the Business
17 Corporation Act of 1983 or the Limited Liability Company
18 Act to transact business in Illinois. The Commission shall
19 permit and accept from an applicant for a license under
20 this Act proof prepared from the Secretary of State's
21 website that the corporation or limited liability company
22 is in good standing and is qualified under the Business
23 Corporation Act of 1983 or the Limited Liability Company
24 Act to transact business in Illinois.

25 (11) A person whose place of business is conducted by a
26 manager or agent unless the manager or agent possesses the

1 same qualifications required by the licensee.

2 (12) A person who has been convicted of a violation of
3 any Federal or State law concerning the manufacture,
4 possession or sale of alcoholic liquor, subsequent to the
5 passage of this Act or has forfeited his bond to appear in
6 court to answer charges for any such violation.

7 (13) A person who does not beneficially own the
8 premises for which a license is sought, or does not have a
9 lease thereon for the full period for which the license is
10 to be issued.

11 (14) Any law enforcing public official, including
12 members of local liquor control commissions, any mayor,
13 alderman, or member of the city council or commission, any
14 president of the village board of trustees, any member of a
15 village board of trustees, or any president or member of a
16 county board; and no such official shall have a direct
17 interest in the manufacture, sale, or distribution of
18 alcoholic liquor, except that a license may be granted to
19 such official in relation to premises that are not located
20 within the territory subject to the jurisdiction of that
21 official if the issuance of such license is approved by the
22 State Liquor Control Commission and except that a license
23 may be granted, in a city or village with a population of
24 55,000 or less, to any alderman, member of a city council,
25 or member of a village board of trustees in relation to
26 premises that are located within the territory subject to

1 the jurisdiction of that official if (i) the sale of
2 alcoholic liquor pursuant to the license is incidental to
3 the selling of food, (ii) the issuance of the license is
4 approved by the State Commission, (iii) the issuance of the
5 license is in accordance with all applicable local
6 ordinances in effect where the premises are located, and
7 (iv) the official granted a license does not vote on
8 alcoholic liquor issues pending before the board or council
9 to which the license holder is elected. Notwithstanding any
10 provision of this paragraph (14) to the contrary, an
11 alderman or member of a city council or commission, a
12 member of a village board of trustees other than the
13 president of the village board of trustees, or a member of
14 a county board other than the president of a county board
15 may have a direct interest in the manufacture, sale, or
16 distribution of alcoholic liquor as long as he or she is
17 not a law enforcing public official, a mayor, a village
18 board president, or president of a county board. To prevent
19 any conflict of interest, the elected official with the
20 direct interest in the manufacture, sale, or distribution
21 of alcoholic liquor shall not participate in any meetings,
22 hearings, or decisions on matters impacting the
23 manufacture, sale, or distribution of alcoholic liquor.
24 Furthermore, the mayor of a city with a population of
25 55,000 or less or the president of a village with a
26 population of 55,000 or less may have an interest in the

1 manufacture, sale, or distribution of alcoholic liquor as
2 long as the council or board over which he or she presides
3 has made a local liquor control commissioner appointment
4 that complies with the requirements of Section 4-2 of this
5 Act.

6 (15) A person who is not a beneficial owner of the
7 business to be operated by the licensee.

8 (16) A person who has been convicted of a gambling
9 offense as proscribed by any of subsections (a) (3) through
10 (a) (11) of Section 28-1 of, or as proscribed by Section
11 28-1.1 or 28-3 of, the Criminal Code of 1961 or the
12 Criminal Code of 2012, or as proscribed by a statute
13 replaced by any of the aforesaid statutory provisions.

14 (17) A person or entity to whom a federal wagering
15 stamp has been issued by the federal government, unless the
16 person or entity is eligible to be issued a license under
17 the Raffles and Poker Runs Act or the Illinois Pull Tabs
18 and Jar Games Act.

19 (18) A person who intends to sell alcoholic liquors for
20 use or consumption on his or her licensed retail premises
21 who does not have liquor liability insurance coverage for
22 that premises in an amount that is at least equal to the
23 maximum liability amounts set out in subsection (a) of
24 Section 6-21.

25 (19) A person who is licensed by any licensing
26 authority as a manufacturer of beer, or any partnership,

1 corporation, limited liability company, or trust or any
2 subsidiary, affiliate, or agent thereof, or any other form
3 of business enterprise licensed as a manufacturer of beer,
4 having any legal, equitable, or beneficial interest,
5 directly or indirectly, in a person licensed in this State
6 as a distributor or importing distributor. For purposes of
7 this paragraph (19), a person who is licensed by any
8 licensing authority as a "manufacturer of beer" shall also
9 mean a brewer who is also a manufacturer of beer or cider
10 and a non-resident dealer who is also a manufacturer of
11 beer, including a partnership, corporation, limited
12 liability company, or trust or any subsidiary, affiliate,
13 or agent thereof, or any other form of business enterprise
14 licensed as a manufacturer of beer.

15 (20) A person who is licensed in this State as a
16 distributor or importing distributor, or any partnership,
17 corporation, limited liability company, or trust or any
18 subsidiary, affiliate, or agent thereof, or any other form
19 of business enterprise licensed in this State as a
20 distributor or importing distributor having any legal,
21 equitable, or beneficial interest, directly or indirectly,
22 in a person licensed as a manufacturer of beer by any
23 licensing authority, or any partnership, corporation,
24 limited liability company, or trust or any subsidiary,
25 affiliate, or agent thereof, or any other form of business
26 enterprise, except for a person who owns, on or after the

1 effective date of this amendatory Act of the 98th General
2 Assembly, no more than 5% of the outstanding shares of a
3 manufacturer of beer whose shares are publicly traded on an
4 exchange within the meaning of the Securities Exchange Act
5 of 1934. For the purposes of this paragraph (20), a person
6 who is licensed by any licensing authority as a
7 "manufacturer of beer" shall also mean a brewer who is also
8 a manufacturer of beer or cider and a non-resident dealer
9 who is also a manufacturer of beer, including a
10 partnership, corporation, limited liability company, or
11 trust or any subsidiary, affiliate, or agent thereof, or
12 any other form of business enterprise licensed as a
13 manufacturer of beer.

14 (b) A criminal conviction of a corporation is not grounds
15 for the denial, suspension, or revocation of a license applied
16 for or held by the corporation if the criminal conviction was
17 not the result of a violation of any federal or State law
18 concerning the manufacture, possession or sale of alcoholic
19 liquor, the offense that led to the conviction did not result
20 in any financial gain to the corporation and the corporation
21 has terminated its relationship with each director, officer,
22 employee, or controlling shareholder whose actions directly
23 contributed to the conviction of the corporation. The
24 Commission shall determine if all provisions of this subsection
25 (b) have been met before any action on the corporation's
26 license is initiated.

1 (Source: P.A. 97-1059, eff. 8-24-12; 97-1150, eff. 1-25-13;
2 98-10, eff. 5-6-13; 98-21, eff. 6-13-13; 98-644, eff. 6-10-14;
3 98-756, eff. 7-16-14.)

4 (235 ILCS 5/6-4) (from Ch. 43, par. 121)

5 Sec. 6-4. (a) No person licensed by any licensing authority
6 as a distiller, or a wine manufacturer, or any subsidiary or
7 affiliate thereof, or any officer, associate, member, partner,
8 representative, employee, agent or shareholder owning more
9 than 5% of the outstanding shares of such person shall be
10 issued an importing distributor's or distributor's license,
11 nor shall any person licensed by any licensing authority as an
12 importing distributor, distributor or retailer, or any
13 subsidiary or affiliate thereof, or any officer or associate,
14 member, partner, representative, employee, agent or
15 shareholder owning more than 5% of the outstanding shares of
16 such person be issued a distiller's license or a wine
17 manufacturer's license; and no person or persons licensed as a
18 distiller by any licensing authority shall have any interest,
19 directly or indirectly, with such distributor or importing
20 distributor.

21 However, an importing distributor or distributor, which on
22 January 1, 1985 is owned by a brewer, or any subsidiary or
23 affiliate thereof or any officer, associate, member, partner,
24 representative, employee, agent or shareholder owning more
25 than 5% of the outstanding shares of the importing distributor

1 or distributor referred to in this paragraph, may own or
2 acquire an ownership interest of more than 5% of the
3 outstanding shares of a wine manufacturer and be issued a wine
4 manufacturer's license by any licensing authority.

5 (b) The foregoing provisions shall not apply to any person
6 licensed by any licensing authority as a distiller or wine
7 manufacturer, or to any subsidiary or affiliate of any
8 distiller or wine manufacturer who shall have been heretofore
9 licensed by the State Commission as either an importing
10 distributor or distributor during the annual licensing period
11 expiring June 30, 1947, and shall actually have made sales
12 regularly to retailers.

13 (c) Provided, however, that in such instances where a
14 distributor's or importing distributor's license has been
15 issued to any distiller or wine manufacturer or to any
16 subsidiary or affiliate of any distiller or wine manufacturer
17 who has, during the licensing period ending June 30, 1947, sold
18 or distributed as such licensed distributor or importing
19 distributor alcoholic liquors and wines to retailers, such
20 distiller or wine manufacturer or any subsidiary or affiliate
21 of any distiller or wine manufacturer holding such
22 distributor's or importing distributor's license may continue
23 to sell or distribute to retailers such alcoholic liquors and
24 wines which are manufactured, distilled, processed or marketed
25 by distillers and wine manufacturers whose products it sold or
26 distributed to retailers during the whole or any part of its

1 licensing periods; and such additional brands and additional
2 products may be added to the line of such distributor or
3 importing distributor, provided, that such brands and such
4 products were not sold or distributed by any distributor or
5 importing distributor licensed by the State Commission during
6 the licensing period ending June 30, 1947, but can not sell or
7 distribute to retailers any other alcoholic liquors or wines.

8 (d) It shall be unlawful for any distiller licensed
9 anywhere to have any stock ownership or interest in any
10 distributor's or importing distributor's license wherein any
11 other person has an interest therein who is not a distiller and
12 does not own more than 5% of any stock in any distillery.
13 Nothing herein contained shall apply to such distillers or
14 their subsidiaries or affiliates, who had a distributor's or
15 importing distributor's license during the licensing period
16 ending June 30, 1947, which license was owned in whole by such
17 distiller, or subsidiaries or affiliates of such distiller.

18 (e) Any person licensed as a brewer, class 1 brewer, or
19 class 2 brewer shall be permitted to sell on the licensed
20 premises to non-licensees for on or off-premises consumption
21 for the premises in which he or she actually conducts such
22 business beer or cider manufactured by the brewer, class 1
23 brewer, or class 2 brewer. Such sales shall be limited to
24 on-premises, in-person sales only, for lawful consumption on or
25 off premises. Such authorization shall be considered a
26 privilege granted by the brewer license and, other than a

1 manufacturer of beer or cider as stated above, no manufacturer
2 or distributor or importing distributor, excluding airplane
3 licensees exercising powers provided in paragraph (i) of
4 Section 5-1 of this Act, or any subsidiary or affiliate
5 thereof, or any officer, associate, member, partner,
6 representative, employee or agent, or shareholder shall be
7 issued a retailer's license, nor shall any person having a
8 retailer's license, excluding airplane licensees exercising
9 powers provided in paragraph (i) of Section 5-1 of this Act, or
10 any subsidiary or affiliate thereof, or any officer, associate,
11 member, partner, representative or agent, or shareholder be
12 issued a manufacturer's license or importing distributor's
13 license.

14 A person who holds a class 1 or class 2 brewer license and
15 is authorized by this Section to sell beer or cider to
16 non-licensees shall not sell beer or cider to non-licensees
17 from more than 3 total brewer or commonly owned brew pub
18 licensed locations in this State. The class 1 or class 2 brewer
19 shall designate to the State Commission the brewer or brew pub
20 locations from which it will sell beer or cider to
21 non-licensees.

22 A person licensed as a craft distiller not affiliated with
23 any other person manufacturing spirits may be authorized by the
24 Commission to sell up to 2,500 gallons of spirits produced by
25 the person to non-licensees for on or off-premises consumption
26 for the premises in which he or she actually conducts business

1 permitting only the retail sale of spirits manufactured at such
2 premises. Such sales shall be limited to on-premises, in-person
3 sales only, for lawful consumption on or off premises, and such
4 authorization shall be considered a privilege granted by the
5 craft distiller license. A craft distiller licensed for retail
6 sale shall secure liquor liability insurance coverage in an
7 amount at least equal to the maximum liability amounts set
8 forth in subsection (a) of Section 6-21 of this Act.

9 (f) (Blank).

10 (g) Notwithstanding any of the foregoing prohibitions, a
11 limited wine manufacturer may sell at retail at its
12 manufacturing site for on or off premises consumption and may
13 sell to distributors. A limited wine manufacturer licensee
14 shall secure liquor liability insurance coverage in an amount
15 at least equal to the maximum liability amounts set forth in
16 subsection (a) of Section 6-21 of this Act.

17 (h) The changes made to this Section by Public Act 99-47
18 ~~this amendatory Act of the 99th General Assembly~~ shall not
19 diminish or impair the rights of any person, whether a
20 distiller, wine manufacturer, agent, or affiliate thereof, who
21 requested in writing and submitted documentation to the State
22 Commission on or before February 18, 2015 to be approved for a
23 retail license pursuant to what has heretofore been subsection
24 (f); provided that, on or before that date, the State
25 Commission considered the intent of that person to apply for
26 the retail license under that subsection and, by recorded vote,

1 the State Commission approved a resolution indicating that such
2 a license application could be lawfully approved upon that
3 person duly filing a formal application for a retail license
4 and if that person, within 90 days of the State Commission
5 appearance and recorded vote, first filed an application with
6 the appropriate local commission, which application was
7 subsequently approved by the appropriate local commission
8 prior to consideration by the State Commission of that person's
9 application for a retail license. It is further provided that
10 the State Commission may approve the person's application for a
11 retail license or renewals of such license if such person
12 continues to diligently adhere to all representations made in
13 writing to the State Commission on or before February 18, 2015,
14 or thereafter, or in the affidavit filed by that person with
15 the State Commission to support the issuance of a retail
16 license and to abide by all applicable laws and duly adopted
17 rules.

18 (Source: P.A. 99-47, eff. 7-15-15; 99-448, eff. 8-24-15;
19 revised 10-30-15.)

20 (235 ILCS 5/6-5) (from Ch. 43, par. 122)

21 Sec. 6-5. Except as otherwise provided in this Section, it
22 is unlawful for any person having a retailer's license or any
23 officer, associate, member, representative or agent of such
24 licensee to accept, receive or borrow money, or anything else
25 of value, or accept or receive credit (other than merchandising

1 credit in the ordinary course of business for a period not to
2 exceed 30 days) directly or indirectly from any manufacturer,
3 importing distributor or distributor of alcoholic liquor, or
4 from any person connected with or in any way representing, or
5 from any member of the family of, such manufacturer, importing
6 distributor, distributor or wholesaler, or from any
7 stockholders in any corporation engaged in manufacturing,
8 distributing or wholesaling of such liquor, or from any
9 officer, manager, agent or representative of said
10 manufacturer. Except as provided below, it is unlawful for any
11 manufacturer or distributor or importing distributor to give or
12 lend money or anything of value, or otherwise loan or extend
13 credit (except such merchandising credit) directly or
14 indirectly to any retail licensee or to the manager,
15 representative, agent, officer or director of such licensee. A
16 manufacturer, distributor or importing distributor may furnish
17 free advertising, posters, signs, brochures, hand-outs, or
18 other promotional devices or materials to any unit of
19 government owning or operating any auditorium, exhibition
20 hall, recreation facility or other similar facility holding a
21 retailer's license, provided that the primary purpose of such
22 promotional devices or materials is to promote public events
23 being held at such facility. A unit of government owning or
24 operating such a facility holding a retailer's license may
25 accept such promotional devices or materials designed
26 primarily to promote public events held at the facility. No

1 retail licensee delinquent beyond the 30 day period specified
2 in this Section shall solicit, accept or receive credit,
3 purchase or acquire alcoholic liquors, directly or indirectly
4 from any other licensee, and no manufacturer, distributor or
5 importing distributor shall knowingly grant or extend credit,
6 sell, furnish or supply alcoholic liquors to any such
7 delinquent retail licensee; provided that the purchase price of
8 all beer sold to a retail licensee shall be paid by the retail
9 licensee in cash on or before delivery of the beer, and unless
10 the purchase price payable by a retail licensee for beer sold
11 to him in returnable bottles shall expressly include a charge
12 for the bottles and cases, the retail licensee shall, on or
13 before delivery of such beer, pay the seller in cash a deposit
14 in an amount not less than the deposit required to be paid by
15 the distributor to the brewer; but where the brewer sells
16 direct to the retailer, the deposit shall be an amount no less
17 than that required by the brewer from his own distributors; and
18 provided further, that in no instance shall this deposit be
19 less than 50 cents for each case of beer or cider in pint or
20 smaller bottles and 60 cents for each case of beer or cider in
21 quart or half-gallon bottles; and provided further, that the
22 purchase price of all beer or cider sold to an importing
23 distributor or distributor shall be paid by such importing
24 distributor or distributor in cash on or before the 15th day
25 (Sundays and holidays excepted) after delivery of such beer or
26 cider to such purchaser; and unless the purchase price payable

1 by such importing distributor or distributor for beer or cider
2 sold in returnable bottles and cases shall expressly include a
3 charge for the bottles and cases, such importing distributor or
4 distributor shall, on or before the 15th day (Sundays and
5 holidays excepted) after delivery of such beer or cider to such
6 purchaser, pay the seller in cash a required amount as a
7 deposit to assure the return of such bottles and cases. Nothing
8 herein contained shall prohibit any licensee from crediting or
9 refunding to a purchaser the actual amount of money paid for
10 bottles, cases, kegs or barrels returned by the purchaser to
11 the seller or paid by the purchaser as a deposit on bottles,
12 cases, kegs or barrels, when such containers or packages are
13 returned to the seller. Nothing herein contained shall prohibit
14 any manufacturer, importing distributor or distributor from
15 extending usual and customary credit for alcoholic liquor sold
16 to customers or purchasers who live in or maintain places of
17 business outside of this State when such alcoholic liquor is
18 actually transported and delivered to such points outside of
19 this State.

20 A manufacturer, distributor, or importing distributor may
21 furnish free social media advertising to a retail licensee if
22 the social media advertisement does not contain the retail
23 price of any alcoholic liquor and the social media
24 advertisement complies with any applicable rules or
25 regulations issued by the Alcohol and Tobacco Tax and Trade
26 Bureau of the United States Department of the Treasury. A

1 manufacturer, distributor, or importing distributor may list
2 the names of one or more unaffiliated retailers in the
3 advertisement of alcoholic liquor through social media.
4 Nothing in this Section shall prohibit a retailer from
5 communicating with a manufacturer, distributor, or importing
6 distributor on social media or sharing media on the social
7 media of a manufacturer, distributor, or importing
8 distributor. A retailer may request free social media
9 advertising from a manufacturer, distributor, or importing
10 distributor. Nothing in this Section shall prohibit a
11 manufacturer, distributor, or importing distributor from
12 sharing, reposting, or otherwise forwarding a social media post
13 by a retail licensee, so long as the sharing, reposting, or
14 forwarding of the social media post does not contain the retail
15 price of any alcoholic liquor. No manufacturer, distributor, or
16 importing distributor shall pay or reimburse a retailer,
17 directly or indirectly, for any social media advertising
18 services, except as specifically permitted in this Act. No
19 retailer shall accept any payment or reimbursement, directly or
20 indirectly, for any social media advertising services offered
21 by a manufacturer, distributor, or importing distributor,
22 except as specifically permitted in this Act. For the purposes
23 of this Section, "social media" means a service, platform, or
24 site where users communicate with one another and share media,
25 such as pictures, videos, music, and blogs, with other users
26 free of charge.

1 No right of action shall exist for the collection of any
2 claim based upon credit extended to a distributor, importing
3 distributor or retail licensee contrary to the provisions of
4 this Section.

5 Every manufacturer, importing distributor and distributor
6 shall submit or cause to be submitted, to the State Commission,
7 in triplicate, not later than Thursday of each calendar week, a
8 verified written list of the names and respective addresses of
9 each retail licensee purchasing spirits or wine from such
10 manufacturer, importing distributor or distributor who, on the
11 first business day of that calendar week, was delinquent beyond
12 the above mentioned permissible merchandising credit period of
13 30 days; or, if such is the fact, a verified written statement
14 that no retail licensee purchasing spirits or wine was then
15 delinquent beyond such permissible merchandising credit period
16 of 30 days.

17 Every manufacturer, importing distributor and distributor
18 shall submit or cause to be submitted, to the State Commission,
19 in triplicate, a verified written list of the names and
20 respective addresses of each previously reported delinquent
21 retail licensee who has cured such delinquency by payment,
22 which list shall be submitted not later than the close of the
23 second full business day following the day such delinquency was
24 so cured.

25 Such written verified reports required to be submitted by
26 this Section shall be posted by the State Commission in each of

1 its offices in places available for public inspection not later
2 than the day following receipt thereof by the Commission. The
3 reports so posted shall constitute notice to every
4 manufacturer, importing distributor and distributor of the
5 information contained therein. Actual notice to manufacturers,
6 importing distributors and distributors of the information
7 contained in any such posted reports, however received, shall
8 also constitute notice of such information.

9 The 30 day merchandising credit period allowed by this
10 Section shall commence with the day immediately following the
11 date of invoice and shall include all successive days including
12 Sundays and holidays to and including the 30th successive day.

13 In addition to other methods allowed by law, payment by
14 check during the period for which merchandising credit may be
15 extended under the provisions of this Section shall be
16 considered payment. All checks received in payment for
17 alcoholic liquor shall be promptly deposited for collection. A
18 post dated check or a check dishonored on presentation for
19 payment shall not be deemed payment.

20 A retail licensee shall not be deemed to be delinquent in
21 payment for any alleged sale to him of alcoholic liquor when
22 there exists a bona fide dispute between such retailer and a
23 manufacturer, importing distributor or distributor with
24 respect to the amount of indebtedness existing because of such
25 alleged sale.

26 A delinquent retail licensee who engages in the retail

1 liquor business at 2 or more locations shall be deemed to be
2 delinquent with respect to each such location.

3 The license of any person who violates any provision of
4 this Section shall be subject to suspension or revocation in
5 the manner provided by this Act.

6 If any part or provision of this Article or the application
7 thereof to any person or circumstances shall be adjudged
8 invalid by a court of competent jurisdiction, such judgment
9 shall be confined by its operation to the controversy in which
10 it was mentioned and shall not affect or invalidate the
11 remainder of this Article or the application thereof to any
12 other person or circumstance and to this and the provisions of
13 this Article are declared severable.

14 (Source: P.A. 99-448, eff. 8-24-15.)

15 (235 ILCS 5/6-21) (from Ch. 43, par. 135)

16 Sec. 6-21. (a) Every person who is injured within this
17 State, in person or property, by any intoxicated person has a
18 right of action in his or her own name, severally or jointly,
19 against any person, licensed under the laws of this State or of
20 any other state to sell alcoholic liquor, who, by selling or
21 giving alcoholic liquor, within or without the territorial
22 limits of this State, causes the intoxication of such person.
23 Any person at least 21 years of age who pays for a hotel or
24 motel room or facility knowing that the room or facility is to
25 be used by any person under 21 years of age for the unlawful

1 consumption of alcoholic liquors and such consumption causes
2 the intoxication of the person under 21 years of age, shall be
3 liable to any person who is injured in person or property by
4 the intoxicated person under 21 years of age. Any person
5 owning, renting, leasing or permitting the occupation of any
6 building or premises with knowledge that alcoholic liquors are
7 to be sold therein, or who having leased the same for other
8 purposes, shall knowingly permit therein the sale of any
9 alcoholic liquors that have caused the intoxication of any
10 person, shall be liable, severally or jointly, with the person
11 selling or giving the liquors. However, if such building or
12 premises belong to a minor or other person under guardianship
13 the guardian of such person shall be held liable instead of the
14 ward. A married woman has the same right to bring the action
15 and to control it and the amount recovered as an unmarried
16 woman. All damages recovered by a minor under this Act shall be
17 paid either to the minor, or to his or her parent, guardian or
18 next friend as the court shall direct. The unlawful sale or
19 gift of alcoholic liquor works a forfeiture of all rights of
20 the lessee or tenant under any lease or contract of rent upon
21 the premises where the unlawful sale or gift takes place. All
22 actions for damages under this Act may be by any appropriate
23 action in the circuit court. An action shall lie for injuries
24 to either means of support or loss of society, but not both,
25 caused by an intoxicated person or in consequence of the
26 intoxication of any person resulting as hereinabove set out.

1 "Loss of society" means the mutual benefits that each family
2 member receives from the other's continued existence,
3 including love, affection, care, attention, companionship,
4 comfort, guidance, and protection. "Family" includes spouse,
5 children, parents, brothers, and sisters. The action, if the
6 person from whom support or society was furnished is living,
7 shall be brought by any person injured in means of support or
8 society in his or her name for his or her benefit and the
9 benefit of all other persons injured in means of support or
10 society. However, any person claiming to be injured in means of
11 support or society and not included in any action brought
12 hereunder may join by motion made within the times herein
13 provided for bringing such action or the personal
14 representative of the deceased person from whom such support or
15 society was furnished may so join. In every such action the
16 jury shall determine the amount of damages to be recovered
17 without regard to and with no special instructions as to the
18 dollar limits on recovery imposed by this Section. The amount
19 recovered in every such action is for the exclusive benefit of
20 the person injured in loss of support or society and shall be
21 distributed to such persons in the proportions determined by
22 the verdict rendered or judgment entered in the action. If the
23 right of action is settled by agreement with the personal
24 representative of a deceased person from whom support or
25 society was furnished, the court having jurisdiction of the
26 estate of the deceased person shall distribute the amount of

1 the settlement to the person injured in loss of support or
2 society in the proportion, as determined by the court, that the
3 percentage of dependency of each such person upon the deceased
4 person bears to the sum of the percentages of dependency of all
5 such persons upon the deceased person. For all causes of action
6 involving persons injured, killed, or incurring property
7 damage before September 12, 1985, in no event shall the
8 judgment or recovery under this Act for injury to the person or
9 to the property of any person as hereinabove set out exceed
10 \$15,000, and recovery under this Act for loss of means of
11 support resulting from the death or injury of any person, as
12 hereinabove set out, shall not exceed \$20,000. For all causes
13 of action involving persons injured, killed, or incurring
14 property damage after September 12, 1985 but before July 1,
15 1998, in no event shall the judgment or recovery for injury to
16 the person or property of any person exceed \$30,000 for each
17 person incurring damages, and recovery under this Act for loss
18 of means of support resulting from the death or injury of any
19 person shall not exceed \$40,000. For all causes of action
20 involving persons injured, killed, or incurring property
21 damage on or after July 1, 1998, in no event shall the judgment
22 or recovery for injury to the person or property of any person
23 exceed \$45,000 for each person incurring damages, and recovery
24 under this Act for either loss of means of support or loss of
25 society resulting from the death or injury of any person shall
26 not exceed \$55,000. Beginning in 1999, every January 20, these

1 liability limits shall automatically be increased or
2 decreased, as applicable, by a percentage equal to the
3 percentage change in the consumer price index-u during the
4 preceding 12-month calendar year. "Consumer price index-u"
5 means the index published by the Bureau of Labor Statistics of
6 the United States Department of Labor that measures the average
7 change in prices of goods and services purchased by all urban
8 consumers, United States city average, all items, 1982-84 =
9 100. The new amount resulting from each annual adjustment shall
10 be determined by the Comptroller and made available via the
11 Comptroller's official website by January 31 of every year and
12 to the chief judge of each judicial circuit. The liability
13 limits at the time at which damages subject to such limits are
14 awarded by final judgment or settlement shall be utilized by
15 the courts. Nothing in this Section bars any person from making
16 separate claims which, in the aggregate, exceed any one limit
17 where such person incurs more than one type of compensable
18 damage, including personal injury, property damage, and loss to
19 means of support or society. However, all persons claiming loss
20 to means of support or society shall be limited to an aggregate
21 recovery not to exceed the single limitation set forth herein
22 for the death or injury of each person from whom support or
23 society is claimed.

24 Nothing in this Act shall be construed to confer a cause of
25 action for injuries to the person or property of the
26 intoxicated person himself, nor shall anything in this Act be

1 construed to confer a cause of action for loss of means of
2 support or society on the intoxicated person himself or on any
3 person claiming to be supported by such intoxicated person or
4 claiming the society of such person. In conformance with the
5 rule of statutory construction enunciated in the general
6 Illinois saving provision in Section 4 of "An Act to revise the
7 law in relation to the construction of the statutes", approved
8 March 5, 1874, as amended, no amendment of this Section
9 purporting to abolish or having the effect of abolishing a
10 cause of action shall be applied to invalidate a cause of
11 action accruing before its effective date, irrespective of
12 whether the amendment was passed before or after the effective
13 date of this amendatory Act of 1986.

14 Each action hereunder shall be barred unless commenced
15 within one year next after the cause of action accrued.

16 However, a licensed distributor or brewer whose only
17 connection with the furnishing of alcoholic liquor which is
18 alleged to have caused intoxication was the furnishing or
19 maintaining of any apparatus for the dispensing or cooling of
20 beer or cider is not liable under this Section, and if such
21 licensee is named as a defendant, a proper motion to dismiss
22 shall be granted.

23 (b) Any person licensed under any state or local law to
24 sell alcoholic liquor, whether or not a citizen or resident of
25 this State, who in person or through an agent causes the
26 intoxication, by the sale or gift of alcoholic liquor, of any

1 person who, while intoxicated, causes injury to any person or
2 property in the State of Illinois thereby submits such licensed
3 person, and, if an individual, his or her personal
4 representative, to the jurisdiction of the courts of this State
5 for a cause of action arising under subsection (a) above.

6 Service of process upon any person who is subject to the
7 jurisdiction of the courts of this State, as provided in this
8 subsection, may be made by personally serving the summons upon
9 the defendant outside this State, as provided in the Code of
10 Civil Procedure, as now or hereafter amended, with the same
11 force and effect as though summons had been personally served
12 within this State.

13 Only causes of action arising under subsection (a) above
14 may be asserted against a defendant in an action in which
15 jurisdiction over him or her is based upon this subsection.

16 Nothing herein contained limits or affects the right to
17 serve any process in any other manner now or hereafter provided
18 by law.

19 (Source: P.A. 94-982, eff. 6-30-06.)

20 (235 ILCS 5/8-1)

21 Sec. 8-1. A tax is imposed upon the privilege of engaging
22 in business as a manufacturer or as an importing distributor of
23 alcoholic liquor other than beer at the rate of \$0.185 per
24 gallon until September 1, 2009 and \$0.231 per gallon beginning
25 September 1, 2009 for cider containing not less than 0.5%

1 alcohol by volume nor more than 7% alcohol by volume, \$0.73 per
2 gallon until September 1, 2009 and \$1.39 per gallon beginning
3 September 1, 2009 for wine other than cider containing less
4 than 7% alcohol by volume, and \$4.50 per gallon until September
5 1, 2009 and \$8.55 per gallon beginning September 1, 2009 on
6 alcohol and spirits manufactured and sold or used by such
7 manufacturer, or as agent for any other person, or sold or used
8 by such importing distributor, or as agent for any other
9 person. A tax is imposed upon the privilege of engaging in
10 business as a manufacturer of beer or as an importing
11 distributor of beer at the rate of \$0.185 per gallon until
12 September 1, 2009 and \$0.231 per gallon beginning September 1,
13 2009 on all beer manufactured and sold or used by such
14 manufacturer, or as agent for any other person, or sold or used
15 by such importing distributor, or as agent for any other
16 person. Any brewer manufacturing beer in this State shall be
17 entitled to and given a credit or refund of 75% of the tax
18 imposed on each gallon of beer up to 4.9 million gallons per
19 year in any given calendar year for tax paid or payable on beer
20 produced and sold in the State of Illinois.

21 ~~For the purpose of this Section, "cider" means any~~
22 ~~alcoholic beverage obtained by the alcohol fermentation of the~~
23 ~~juice of apples or pears including, but not limited to,~~
24 ~~flavored, sparkling, or carbonated cider.~~

25 The credit or refund created by this Act shall apply to all
26 beer taxes in the calendar years 1982 through 1986.

1 The increases made by this amendatory Act of the 91st
2 General Assembly in the rates of taxes imposed under this
3 Section shall apply beginning on July 1, 1999.

4 A tax at the rate of 1¢ per gallon on beer and 48¢ per
5 gallon on alcohol and spirits is also imposed upon the
6 privilege of engaging in business as a retailer or as a
7 distributor who is not also an importing distributor with
8 respect to all beer and all alcohol and spirits owned or
9 possessed by such retailer or distributor when this amendatory
10 Act of 1969 becomes effective, and with respect to which the
11 additional tax imposed by this amendatory Act upon
12 manufacturers and importing distributors does not apply.
13 Retailers and distributors who are subject to the additional
14 tax imposed by this paragraph of this Section shall be required
15 to inventory such alcoholic liquor and to pay this additional
16 tax in a manner prescribed by the Department.

17 The provisions of this Section shall be construed to apply
18 to any importing distributor engaging in business in this
19 State, whether licensed or not.

20 However, such tax is not imposed upon any such business as
21 to any alcoholic liquor shipped outside Illinois by an Illinois
22 licensed manufacturer or importing distributor, nor as to any
23 alcoholic liquor delivered in Illinois by an Illinois licensed
24 manufacturer or importing distributor to a purchaser for
25 immediate transportation by the purchaser to another state into
26 which the purchaser has a legal right, under the laws of such

1 state, to import such alcoholic liquor, nor as to any alcoholic
2 liquor other than beer sold by one Illinois licensed
3 manufacturer or importing distributor to another Illinois
4 licensed manufacturer or importing distributor to the extent to
5 which the sale of alcoholic liquor other than beer by one
6 Illinois licensed manufacturer or importing distributor to
7 another Illinois licensed manufacturer or importing
8 distributor is authorized by the licensing provisions of this
9 Act, nor to alcoholic liquor whether manufactured in or
10 imported into this State when sold to a "non-beverage user"
11 licensed by the State for use in the manufacture of any of the
12 following when they are unfit for beverage purposes:

13 Patent and proprietary medicines and medicinal,
14 antiseptic, culinary and toilet preparations;

15 Flavoring extracts and syrups and food products;

16 Scientific, industrial and chemical products, excepting
17 denatured alcohol;

18 Or for scientific, chemical, experimental or mechanical
19 purposes;

20 Nor is the tax imposed upon the privilege of engaging in
21 any business in interstate commerce or otherwise, which
22 business may not, under the Constitution and Statutes of the
23 United States, be made the subject of taxation by this State.

24 The tax herein imposed shall be in addition to all other
25 occupation or privilege taxes imposed by the State of Illinois
26 or political subdivision thereof.

1 If any alcoholic liquor manufactured in or imported into
2 this State is sold to a licensed manufacturer or importing
3 distributor by a licensed manufacturer or importing
4 distributor to be used solely as an ingredient in the
5 manufacture of any beverage for human consumption, the tax
6 imposed upon such purchasing manufacturer or importing
7 distributor shall be reduced by the amount of the taxes which
8 have been paid by the selling manufacturer or importing
9 distributor under this Act as to such alcoholic liquor so used
10 to the Department of Revenue.

11 If any person received any alcoholic liquors from a
12 manufacturer or importing distributor, with respect to which
13 alcoholic liquors no tax is imposed under this Article, and
14 such alcoholic liquor shall thereafter be disposed of in such
15 manner or under such circumstances as may cause the same to
16 become the base for the tax imposed by this Article, such
17 person shall make the same reports and returns, pay the same
18 taxes and be subject to all other provisions of this Article
19 relating to manufacturers and importing distributors.

20 Nothing in this Article shall be construed to require the
21 payment to the Department of the taxes imposed by this Article
22 more than once with respect to any quantity of alcoholic liquor
23 sold or used within this State.

24 No tax is imposed by this Act on sales of alcoholic liquor
25 by Illinois licensed foreign importers to Illinois licensed
26 importing distributors.

1 All of the proceeds of the additional tax imposed by Public
2 Act 96-34 shall be deposited by the Department into the Capital
3 Projects Fund. The remainder of the tax imposed by this Act
4 shall be deposited by the Department into the General Revenue
5 Fund.

6 The provisions of this Section 8-1 are severable under
7 Section 1.31 of the Statute on Statutes.

8 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38,
9 eff. 7-13-09; 96-1000, eff. 7-2-10.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law."